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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,484	01/06/2004	Yun-hwa Choi	Q77658	3548
23373 7590 07/01/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER AHN, SAM K	
			ART UNIT 2611	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/751,484

Applicant(s)

CHOI, YUN-HWA

Examiner

SAM K. AHN

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 3-11 and 13-17.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Sam K. Ahn/
Primary Examiner, Art Unit 2611 06/30/08

Continuation of 11, does NOT place the application in condition for allowance because: the argument is not persuasive. On pages 7-8, applicants assert that Richards in view of Walker do not teach all of the claimed limitations of claims 1 and 11, and points out that Walker does not teach the limitation of "wherein a channel coding rate, modulation order are changed according to the data transmission scheme. Richards teaches an ultra wideband (UWB) transceiver (see 702,602 in Fig.11), comprising: a receiver (702, 1011,1116,1014,1124,1126, wherein the elements are interpreted as being part of the receiver) configured to calculate channel information (1011 providing information of signal strength, received noise and SNR, note col.15, lines 55-57) from a UWB pulse signal (708) received over a UWB channel (706, wireless channel) so that a UWB channel condition can be predicted and a data transmission scheme is changed according to the calculated channel information (transmission scheme using different power control is adjusted based on the SNR, note col.21, lines 29-35, wherein the channel condition is predicted based on propagation path between transceivers in bilateral symmetric communication, note col.21, lines 50-60), whereby information transmission can be efficiently made according to the UWB channel condition (UWB channel condition having a certain path loss, note col.21, lines 50-54, is determined and power control is adjusted accordingly in 1808A in Fig.18). Richards further teaches wherein at least one of a channel coding rate, modulation order and transmission power is selectively changed according to the data transmission scheme (transmission power control is changed, 1808A in Fig.18). However, Richards does not teach wherein a channel coding rate and modulation order are changed according to the data transmission scheme.

Walker teaches a UWB transceiver comprising a data transmission scheme changed according to a channel information wherein a channel coding rate and modulation are changed according to the data transmission scheme (note paragraph 0153 wherein modulation order or type and channel coding rate or coding rate transmission parameters are changed, also note claim 13 of Walker). To further explain, Walker teaches wherein a channel coding rate is changed according to data transmission scheme (data transmission scheme of channel state or configuration in Fig.2, wherein coding rate is changed, see 240 in Fig.2) and further wherein a modulation order is also changed according to the data transmission scheme (data transmission scheme of channel state or configuration in Fig.2, wherein modulation order is also changed, note paragraph 0087). The data transmission scheme is interpreted as the combination of the coding rate and modulation order, wherein next transmission is adjusted or controlled based on the previous transmission as illustrated in figure2.

Walker suggests that this implementation provides a need to transfer information at higher data rates at lower cost and power consumption (note paragraph 0007). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to incorporate the teaching of Walker in the system of Richards to not only changing the transmission power, but further enhancing the system by changing the channel coding rate and modulation order depending on data transmission scheme for the purpose of providing a need to transfer information at higher data rates at lower cost and power consumption (note paragraph 0007). Therefore, Richards in view of Walker teach the limitations recited in claims 1 and 11.